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★ JAN 11 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X
Debby Loeb,

Plaintiff,

Civil Action No.: _____

- against -

Cavalry Portfolio Services, LLC,

Defendant.
-----X

CV 12-0144
COMPLAINT AND
DEMAND FOR
TRIAL BY JURY

Plaintiff Debby Loeb ("Plaintiff" or "Loeb"), by and through her attorneys, **FREDRICK SCHULMAN & ASSOCIATES**, Attorneys at Law, as and for her Complaint against the Defendant Cavalry Portfolio Services, LLC, ("Defendant" or "Cavalry"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, County of Kings, residing at 1053 East 17th Street, Brooklyn, New York 11230.

3. Defendant is a limited liability company organized in the state of Delaware, with a principal place of business at 500 Summit Lake Drive, Valhalla, New York 10595, and is authorized to do business in the State of New York.

4. The Defendant is a “debt collector” as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 USC Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 USC Sec. 1367(a).
6. Venue is proper in this judicial district pursuant to 28 USC Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.
8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).
9. On or about November 23, 2011, the Plaintiff and the Defendant spoke by telephone with respect to the Alleged Debt. In that communication, the Defendant failed to state that it was attempting to collect a debt and that any information would be used for that purpose.
10. Said failure on the part of the Defendant is a violation of the FDCPA, 15 USC Sec, 1692e(11).
11. As a result of the Defendant’s deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

12. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "11" herein with the same force and effect as if the same were set forth at length herein.

13. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692e(11).

14. As a result of the Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

15. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this Complaint to which the Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Debby Loeb demands judgment from the Defendant Cavalry Portfolio Services, LLC, as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
 - B. For statutory damages provided and pursuant to 15 USC Sec.1692k(a)(2)(A);
 - C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
 - D. For a declaration that the Defendant's practices violated the provisions of the FDCPA;
- and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
January 11, 2012

Respectfully submitted,

By: 

Samuel A. Ehrenfeld
FREDRICK SCHULMAN & ASSOCIATES
Attorneys at Law
Attorney for Plaintiff
30 East 29TH Street
New York, New York 10016
(212) 796-6053